

**Coachella Valley Water District  
Metropolitan Water District of Southern California  
Southern California Water Committee  
State Water Contractors, Inc.  
Westlands Water District**

April 5, 2012

The Honorable Fran Pavley  
California State Senate  
State Capitol, Room 4035  
Sacramento, CA 95814

Re: SB 1495 (Wolk): Delta Reform Act of 2009 – As Introduced  
**OPPOSE UNLESS AMENDED**  
Senate Natural Resources and Water Committee: April 10, 2012

Dear Senator Pavley:

On behalf of the agencies and signatories below, we regret to inform you of our collective concerns to SB 1495 by Senator Lois Wolk, unless the bill is amended to narrow the exemption related to dredging activities to ensure protection of Delta objectives.

SB 1495 proposes to facilitate certain activities in the Delta by exempting them from having to comply with the proposed Delta Plan. Specifically SB 1495 would exclude from the definition of “covered action” leases approved by a special district under the Harbors and Navigation Code and dredging activities and projects conducted by the federal government or a special district under the Harbors and Navigation Code to improve interstate commerce.

In November 2009, the California Legislature passed a historic package of legislation to address the water supply and ecosystem challenges in the Sacramento-San Joaquin Delta as well as advance statewide water management reforms. Among the bills in the package was SB X7-1 by Senator Joseph Simitian which enacted the Sacramento-San Joaquin Delta Reform Act of 2009. SB X7-1 created, among other entities, the Delta Stewardship Council (Council), a new governing body for the estuary. The Council, which was formed in early 2010, is required to develop and adopt a comprehensive management plan for the Delta that furthers the co-equal goals of Delta ecosystem restoration and a reliable water supply.

The Delta Reform Act also requires a state or local public agency that proposes to undertake a “covered action,” prior to initiating the covered action, to prepare a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan. This consistency determination is filed with the Council. Once filed, any person who claims that a proposed covered action is inconsistent with the Delta Plan, and as a result of that inconsistency, believes the action will have a significant adverse impact on the achievement of one or both of the co-equal goals or implementation of government-sponsored flood control programs to reduce risks to people and property in the Delta, may file an appeal. The Council may dismiss the appeal, or hold a hearing and either deny the appeal or remand the matter to the state or local public agency for reconsideration.

SB 1495 (Wolk): Delta Reform Act of 2009

Page 2

April 5, 2012

The Council is expected to complete and adopt its Delta Plan sometime between May and October. SB 1495 seeks to amend the 2009 Delta Reform Act to exempt certain lease, project and dredging activities from the covered action process before that consistency determination process is even started.

Further, the bill language in SB 1495 is very broad, without any parameters about what kind of lease or what kind of large or small dredging projects the exemption would cover. In addition, while dredging in certain deepwater channels may make sense to support shipping activity in the region, excluding all dredging from the definition of a covered action may allow dredging activities that are inconsistent with the Delta Plan and the co-equal goals established by the Legislature back in 2009 in existing habitat areas or in areas envisioned for future habitat restoration. It is also unclear how the bill applies to federal government activities because such activities are not subject to consistency determinations by the Council.

Dredging channels in the Delta can be part of routine maintenance, which we believe is already exempt in existing law.

The historic Delta package wisely chose to set an achievable and balanced set of state policies to restore this vital estuary and improve the reliability of water supplies if they are given a chance to succeed. For all of the above reasons, we must oppose SB 1495, unless amended as outlined above.

Sincerely,



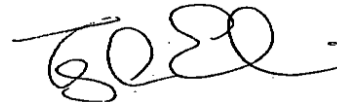
Steve Robbins  
General Manager-Chief Engineer  
Coachella Valley Water District



Jeff Kightlinger  
General Manager  
Metropolitan Water District of  
Southern California



Richard Atwater  
Executive Director  
Southern California Water Committee



Terry Erlewine  
State Water Contractors



Tom Birmingham  
General Manager  
Westlands Water District

cc: Members of the Senate Natural Resources and Water Committee  
Senator Lois Wolk  
Dennis O'Connor, Consultant, Senate Natural Resources and Water Committee  
Steve McCarthy, Senate Republican Caucus